

‘Switch off Hazelwood’: Policing, Protest and a ‘Polluting Dinosaur’

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Abstract

Traditionally, the policing of protest has been a vexed and problematic issue. The contemporary policing of climate change protests and camps challenges police capability both to facilitate such protests and to maintain control and order. The case study of the policing of the September 2009 protest against the Hazelwood coal-fuelled power station in the Latrobe Valley presents a microcosm of the dilemmas faced by both police and protesters in negotiating effective and peaceful protest. The eclectic and disparate nature of the climate change protests based on affinity groups affronts the police bureaucratic structure. This article argues that police–protester dialogue and negotiation, although limited by traditional suspicions, polarised organisational structures and diverse mindsets, are vital for the successful facilitation of peaceful protest, especially in relation to ongoing climate change dissent against coal-fired power plants.

Introduction

Public order policing is increasingly ambiguous in its objectives of not only maintaining security and control, but also of safeguarding and facilitating the civil rights of protesters. The policing of protest in a democracy challenges police organisations to balance security and civil rights. The style of policing protest is often viewed as a ‘mirror’ of the nature of that particular police agency and even that particular society (a repressive police force may symbolise a brutal government regime). In handling protest, police are expected to intervene and act legally and decisively, but fairly and proportionately. When compared to the police’s traditional crime fighting role of legitimate pursuit of criminal activities, the police’s order maintenance role is less clear, less supported and legally and morally contentious. Ironically, police determination to win all public battles, especially those with protesters, can lead to a loss of public sympathy and support.

As climate change protest has taken on worldwide proportions, significant ramifications are being experienced by those being policed and those conducting the policing of such protests (Waddington PAJ 2009:14). This article examines the policing of one contemporary climate change protest in the Latrobe Valley of Victoria, Australia (12–13 September 2009), with comparative reference to policing of climate camp activity in the United Kingdom (UK). The case study presents a microcosm of both the difficulties associated with police dual objectives of control and protest facilitation, but also the possibilities inherent in positive engagement. Detailed, recorded interviews were conducted with Superintendent Neville Taylor, Gippsland Police Headquarters, and with Louise Morris, a legal adviser and

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I wish to express my gratitude to the anonymous referees for their challenging and constructive comments.

key protest organiser, in order to ascertain perspectives of the police–protester engagement process. Select interviews conducted by this author highlight salient points about certain police and climate camp protester engagements, negotiations and tactics.

The policing of environmental protests, rallies and camps poses challenges and dilemmas for police organisations, commanders and personnel. Climate change protest stems from eclectic, amorphous, non-hierarchical gatherings that are comprised of various affinity groups with cell-like structures. Official leadership and organisation are spurned and decisions are determined by conference and consensus, which exacerbates the tenuous nature of liaison between police and protest organisers. Nevertheless, the focal case study reveals the significance of police–protester negotiation, both before, during and after the protest event. Post-event debriefing between the involved parties often appears virtually non-existent, but signs of a changing approach are evident in the attitude of Latrobe Valley police command (Taylor interview 2009). The balance is delicate: both police and protesters need to properly commit to negotiated arrangements, whenever feasible.

Police have shown a strong aversion to the disruptiveness inherent in protest activity (Vitale 2007:406). Historically, advocates of radical social change (peasant revolts, suffragettes, civil rights campaigners, anti-apartheid demonstrators, anti-globalisation protesters) have encountered police opposition legitimised by governmental authority. On an international, national and regional level, climate change has become a challenging and pressing issue, one that may determine the future of the planet. As climate change activists challenge government and powerful energy corporations, it is inevitable that direct action will precipitate police intervention. However, not all protests result in police–activist confrontation.

Recent trends in policing protest

The public order literature analyses how the ‘escalated force’ model of the 1960s has been superseded by the ‘negotiated management’ model of the 1990s (McPhail, Schweingruber and McCarthy 1998; della Porta and Reiter 1998, 2006; Kratcoski, Verma and Das 2001; Willis 2001; Waddington PAJ 1999, 2001, 2007; Waddington D 2007). McPhail, Schweingruber and McCarthy (1998) argue that the ‘negotiated management’ model constitutes an effective strategy for police to avoid public order trouble. Such a strategy was effective in maintaining peace during the 1998 Australian waterfront dispute (Baker 2005:163–90).

According to Kratcoski, Verma and Das (2001), policing of protest became less violent over the final quarter of the 20th century. Policing protest in the 1990s was characterised by under-enforcement of the law, the complex procedures of negotiation and the large-scale collection and sharing of prevention-oriented information and intelligence (Waddington PAJ 1999, 2001; della Porta and Reiter 1998:2). Police remained dominant because the ‘soft’ response of police was based on the compliance of demonstrators and force was available as a last resort. As part of the negotiated management model, the policing of protest seeks containment through negotiation and cooperation with protesters, rather than physical confrontation. However, contemporaneously with ‘softer’ policing, police have increasingly procured riot weaponry and trained and resourced specialised, paramilitary units. Police in Western democracies often communicate a ‘carrot and stick’ message to protesters that police prefer a low-key approach to controlling demonstrations, but that they are prepared to enforce the law and use force whenever negotiations are breached.

As Gillham and Noakes (2007) assert, limitations have always existed to negotiated management between protesters and police, and this is especially so in contemporary

climate change dissent. Police face a hazardous, unpredictable and challenging task when attempting to liaise and, even more so, negotiate with affinity group formations that lack specific hierarchy, structure and representative and responsible leadership. Environmental activists — mobile, diffuse, fragmented and possibly transnational — have rejected the hierarchical structure. Such denunciation is an anathema to police agencies with their graded ranks and strict chain of command. After inquiries into the 2009 Easter G20 protest in London (including the tragic death of Ian Tomlinson, a passer-by who was not participating in the protest), Denis O'Connor, Chief Inspector for Her Majesty's Inspectorate of Constabulary (HMIC), proposed the radical idea that just because police forces are precisely command structured, police should not expect other groups to be similarly organised (Gilmartin interview 2009). This would be particularly true of disparate and unstructured climate change affinity groups.

Police do not always adhere to negotiated agreements with protest groups. Ericson and Doyle (1999) elucidate how the Royal Canadian Mounted Police in 1997 reneged on a negotiated accord with student protesters prior to the Asia-Pacific Economic Cooperation summit at the University of British Columbia. Police, employing preventive arrests, censorship and violent dispersion, rejected protest rights of political expression in favour of 'security concerns'. New Zealand, noted for its liberal democratic approach and enshrined Bill of Rights (*Bill of Rights Act 1990* (NZ)), witnessed its national police force renege on a series of arrangements with 'Free Tibet' protesters during Chinese President Jiang Zemin's visit in September 1999. New Zealand Police, pressured by the Chinese delegation and the common knowledge that the New Zealand Government desired an incident-free visit, aided Chinese officials by using buses and sirens to block noisy protesters (chanting, whistling and drumming) and Tibetan flags and placards from Zemin's hearing and sight (Baker 2007).

Historically, superior numbers was the key to police victory over public dissent on the streets, but today information gathering, intelligence, covert surveillance and, ultimately, riot technology are the weapons of police dominance. Video surveillance allows police to make arrests at a later stage and not reduce crowd control numbers (Marx 1998:259). The ubiquitous presence of mobile phone cameras makes visible the public actions of both police and demonstrators. The mere presence of journalists at public events and rallies in some countries appears to tame police 'toughness' (della Porta and Reiter 1998:8).

Negotiated management strategy is a means of winning over protest organisers so that they will 'police' themselves. Canadians Hall and de Lint (2003:224) describe 'policing at a distance' when protest organisers monitor and control their own group. Hall and de Lint (2004:360) depict how police in negotiations adroitly communicate the law and lessons of self-regulation to protest organisers as 'the substance of communication is to shift the onus of security onto the parties themselves'. Police apprise protest organisers of their legal liabilities and responsibilities, which can be a daunting and sobering revelation for some climate change spokespeople who view themselves as messengers, rather than leaders with responsibility for decisions and group actions.

There is agreement in the literature that negotiated management has significantly decreased the number and intensity of street clashes between police and demonstrators (Gillham and Noakes 2007:342). After the 1999 'Battle of Seattle', however, Gillham and Noakes (2006, 2007:343) — who portray a repressive American policing of protest based on the principles of neoconservative new penology — coined the phrase 'strategic incapacitation' to depict policing that implements obstacles to protest participation and is characterised by extensive no-protest zones, availability of less-lethal weapons, strategic use of arrests and heavy surveillance. A widespread show of force by police is interpreted as a

tactic of intimidation against would-be protesters. della Porta, Peterson and Reiter (2006:12) argue that protest rights have receded into the background in the 21st century and that police 'control' and command, based on the enforcement of pre-arrest strategies and exclusionary zones, are paramount. The policing of APEC in Sydney in October 2007 is an example of police utilisation of exclusionary tactics in a less violent setting than many of the European and American anti-globalisation confrontations (Baker 2008). Numerous contemporary reports argue that policing of protest has become more heavy-handed in recent years (Joint Committee on Human Rights 2009).

The advent of anti-globalisation protests in the Western world has ushered in a new phase, arguably a reversion to the confrontational approach of previous decades. Australian police agencies remain committed to negotiation in planning for controlling public protest, but there are signs of adjustments to the handling of large-scale, mass dissent such as the World Economic Forum in Melbourne 2000, G20 in Melbourne 2006 and APEC in Sydney 2007 (Baker 2008).

Regional climate change protest in Australia

Sporadically, eco-activists aligned to the radical group 'Real Action on Climate Change', have targeted power installations in Australia. In order to coincide with the September 2007 APEC protests, protesters broke into the Loy Yang power station in Traralgon, Victoria and locked themselves to coal conveyor belts. The environmentalists cut a hole in a wire fence before disrupting production for several hours. They used an emergency button to stop machines and chained themselves in pairs to two conveyor belts before calling plant operators. A Police Search and Rescue squad cut the activists free (Roberts 2007). Output was halved due to efforts to remove the protesters who had chained themselves to the coal conveyor. Despite Loy Yang's assertion that the disruption cost between AS\$200,000 and AS\$400,000, the four escaped conviction and were placed on 12-month good behaviour bonds (Bice and Power 2008). The next day, 11 climate change activists attached themselves to coal loading equipment at a Newcastle coal refinery. The activists used chains and locks to fasten themselves by the neck to four coal reclaimers (Ramachandran 2007).

In September 2008, Real Action on Climate Change activists shut down production at Loy Yang for five hours (Doherty 2009). In November 2008, environmental activists breached perimeter fencing at the Hazelwood plant, also in the Latrobe Valley. Activists gained entry into the site by simply climbing perimeter fencing. Two protesters, who fixed themselves to a rising coal conveyor, claimed that they did not encounter any security or station personnel until they had locked themselves to the coal conveyor. The local (Morwell) police regarded the actions as unwelcomed, but the protest was peaceful. Entry was simply gained by climbing security fencing. Activist spokeswoman Emma Russell said that 'they went straight through' the fence and it took 'a while' before they were seen by station staff (Mallia 2008). A fortnight after messages of protest were beamed onto Loy Yang power station's cooling towers in May 2009, seven Greenpeace activists were arrested for chaining themselves to a non-operational overburden dredger (Charalambous 2009a). Police believed the protesters entered the site through one of the security fences.

The ease of entry by eco-environmentalists in these instances highlights the issue of security at Australian power plants. In Italy, protesters disrupted three power plants simultaneously. What would happen if a number of power plants were assailed on the same

day in Australia? The security of vital infrastructure links protest action and violent terrorist attack.¹ Company, government and police see both potential protest and terrorist activity as dangerous, yet by nature and intent the two are vastly different. In the instances cited, protesters easily gained access to infrastructure without intervention or interception.

'Climate Camp' protests are a recent phenomenon. In the UK, the first week-long 'Camp for Climate Action' was staged at Drax power station in 2006 under the supervision of the North Yorkshire Police. In subsequent years, camps were held in 2007 at Heathrow Airport, where protesters opposing the building of another runway were supervised by the Metropolitan Police Service. The annual Climate Camp operated in 2008 at Kingsnorth's German-owned E.ON power station in Kent and in 2009 at Blackheath near Greenwich. According to police strategists, the police response at Drax was not commensurate to the threat and police 'lost a bit of control' (Moody interview 2009). At Heathrow, the Metropolitan Police Service was able to quickly mobilise its massive resources. At Kingsnorth, the planning team's strategic assessment was unable to be based on precise knowledge due to limited intelligence of prospective numbers, location, timing and intent; police planners relied heavily on precedent at Drax and Heathrow, as well as open (ie publicly-available) sources such as the protesters' internet site (Moody interview 2009). Climate Camps have become an annual event on environmental activists' calendar. The events attract activists, members of local communities and protest communities across the UK and Europe (Holt and Hartley 2009:10). Newcastle was the site of the first Australian Climate Camp in 2008. Special service police and the dog squad were deployed as well as the NSW Police Force's newly-acquired water cannon. As the date clashed with the Pope's visit to Sydney, many police, along with the newly-acquired water cannon, were redeployed to Sydney (Morris interview 13 August 2009).

Case study: Policing the 'Switch off Hazelwood' protest

The Hazelwood power station, opened in 1964, was condemned for closure in 2009, but the State Government offered it a reprieve until 2031. The plant, owned by British company International Power, is Victoria's largest power station and is regarded as one of the worst polluters and dirtiest in the Southern Hemisphere. It employs 900 people — making it a major employer in the region. The power station is situated in an isolated part of the State; the nearest township is that of Churchill, with population of approximately 4,900 people. Historically, the brown coal producing Latrobe Valley² has been the site of many prolonged and bitter industrial disputes. Focus in recent years has moved to issue-motivated protests, especially environmental ones.

Hazelwood power station has 36 km of fence line and normally only two people patrol it at night. The plant exhibits limited external security and little traffic normally passes the remote location — not the normal type of venue for symbolic protest and impact. The regional newspaper, *Latrobe Valley Express*, alleges that plant staff have indicated that terrorists could 'easily' enter the power station at any time as it was completely defenceless (Ipsen 2009). A Hazelwood emergency service operator, also implying that the plant is

¹ One English protester outside E.ON's Nottinghamshire power station in April 2009 alleged that he was asked: 'Are you proud to be a terrorist?' Some climate campaigners feel a growing sense of frustration that they are being portrayed as violent extremists or even terrorists. See Taylor and Lewis (2009).

² The Latrobe Valley contains 89% of Australia's brown coal reserves. It currently produces about 90% of Victoria's electricity.

defenceless, has claimed: 'If the greenies wanted to get in they could get in anywhere through that 36km of fenceline', especially in thick fog (Ipsen 2009).

The environmental activists' Climate Camp protest, self-labelled 'Switch off Hazelwood. Switch off Coal. Switch on Renewables', was staged on 12–13 September 2009. The protest was headed by Friends of the Earth and augmented by other environmental groups, including non-governmental organisations (NGOs) Greenpeace and Environment Victoria. About 400 protesters took part in the main day of action on Sunday 13 September, when they marched to the power station. The protest was small by international standards, but significant by regional Australian ones (*Latrobe Valley Express* 7 September 2009). As the Hazelwood camp protest was a first-time happening in Victoria, both protest organisers and police had limited indication of the protest's composition, numbers and likely actions.

The rallying call of 'Switch off Hazelwood' did not present the same intensity as the Camp for Climate Action attempts to 'shut down Kingsnorth' in August 2008 and 'shut down Ratcliffe' in October 2009 in the UK, but it nevertheless indicated the possibility of direct mass action by some protest groups.³ The official 'Switch off Hazelwood' website stated that many participants would 'choose to engage in peaceful acts of civil disobedience', while others 'would not put themselves in an arrestable situation' (Switch off Hazelwood 2009). The protest announced a dual, if potentially contradictory, message: 'Join a peaceful community protest and mass civil disobedience' (Switch off Hazelwood 2009). Prepared to risk arrest and affront police by scaling the perimeter of the plant, the activists planned to place a symbolic 'community decommission order' on what they described as a 'polluting dinosaur' (Switch off Hazelwood 2009). Protest co-organiser Louise Morris showed commitment and awareness of the potential consequences of the Hazelwood protest: 'Our intent is to slap a Community Decommission Order on Hazelwood. If by doing so we risk arrest, so be it, a safe climate is worth being arrested for' (quoted in Charalambous 2009b). The *Charter of Human Rights and Responsibilities Act 2006* (Vic) upholds the rights of individuals to conduct protest, as long as such action does not involve force or violence. The Charter (s 16) places a positive obligation 'on government to ensure that peaceful assemblies can occur', while protest leaders may need to abide by certain procedures such as notice to police of the assembly. On the other hand, Victorian law protects 'critical infrastructure' sites against threats of sabotage or terrorist activity, involving a maximum penalty of 25 years' jail (Ker 2009a).

The law supports the protection of the assets and property of companies and corporations, and police are mandated to enforce the law. Hazelwood's Chief Executive Officer, Graeme York, who was allegedly the subject of personal threats, advised that the company was in

³ The protesters' rhetoric, explicit on websites, claimed that they would 'Stop Kingsnorth' on the Medway Estuary, Kent, because the energy company E.ON was preparing to build a second coal-fired power station there, which would be the first coal-fired power station erected in the UK in 30 years. Kent Police focused on preventing any disruption to the power station, part of the National Grid. Police risk assessment was based on a 'worst case scenario' of the threat to invade the power station, cause damage, and assail police and security. The police deployment at Kingsnorth involved more than 1500 Kent Police, Metropolitan Police Service and officers from 26 other forces over the week. Protest organisers estimated 1500 campers — a staggering ratio of 1:1 police to protesters. At various stages, riot police, helicopters, dogs and trail bikes controlled and contained demonstrators. The power station remained fully operational during the Climate Camp week. During mass direct action against E.ON's Ratcliffe coal-fired power station in Nottinghamshire on the weekend of 17–18 October 2009, 80 protesters were arrested and one policeman hospitalised. Several protesters received dog bites and other injuries. The protesters, under the banner of the 'Great Climate Swoop twitter', intended to shut down the plant. The 'heavy-handling' policing of the Ratcliffe protest evoked conspiracy laws that carry 10-year jail sentences (Booth and van der Zee 2009).

regular discussions with the police about the threatened protest and would 'utilize all legal avenues swiftly and fully to combat any illegal actions that aim to hurt our business' (quoted in Manning 2009). Victoria Police openly acknowledge that information is shared with companies, including in relation to the Hazelwood protest. Police liaison is not confined to the protest organisers, but also includes 'open dialogue with the operators to encourage them to do whatever they can to keep safety and security' (Taylor interview 2009).⁴ Police advise that the company is responsible for its own assets and company security staff are aware of responsibilities and legal restraints stemming from licensing agreements and training requirements of the State. Police provide guidance on matters such as the use of force and the exercise of powers.

Police, enforcing public order, remain in the dominant position as they set the rules and expectations of crowd behaviour. Community safety involves all facets: the general community, people identified as possible targets or victims of protest activity and those involved in the actual protest. In a regional district, large demonstrations or prolonged industrial disputes can affect indirectly, but severely, community safety as they constitute 'big distractions to us in our normal service delivery to the community' (Taylor interview 2009). The militant Construction, Forest and Mining Employees Union (CFMEU) simultaneously was in conflict with Hazelwood management over its enterprise agreement and advising locals to 'come down and assist in the closure of Hazelwood'. York publicly treated the CFMEU's 'public declaration of intent to harm our business ... with the utmost seriousness' (Manning 2009).⁵ Police were monitoring conflicts that incorporated both industrial and issue-motivated dissent.⁶

Although environmental and anti-globalisation protests are often depicted as disparate and poorly coordinated groupings, the 'Switch off Hazelwood' campaign involved lengthy planning. Although disorganised in a traditional bureaucratic sense, the protest affinity groups may be an anathema to a police hierarchical structure, but the groups can function quickly and effectively through the usage of electronic and digital technology. Security risk consultant, Graeme Mickelberg (2008) has given this warning: 'It is a mistake to dismiss issue motivated groups as a disorganised rabble. Increasingly, many of these groups are well organised and supported by substantial logistics, including transport and media management arrangements'.

The Victoria Police process involves the gathering of information, assessment of intelligence, risk assessment calculations and the conceptualisation of an operational plan that meets that risk assessment.⁷ Local police assessed open source information including

⁴ Controversy erupted in early December 2009 when *The Age* revealed that Victoria Police had agreed to provide sensitive files to Aquasure, the consortium building the desalination plant near Wonthaggi, about protesters opposing the plant's construction. The Government had signed a deal under which police 'will release law enforcement data' to Aquasure to help it 'manage' protests and potential security threats (Austin 2009a, 2009 b; Rood 2009; Fyfe 2009). Significant issues are at stake: police impartiality; potential breaches of the privacy laws; latent outsourcing of order maintenance; and the negative ramifications of undermining liaison and confidence between police and protest organisers.

⁵ Conservative commentator Alan Moran, after an invasion of the Loy Yang power station in 2007, condemned the alleged lenient treatment of the perpetrators: 'the protesters have licence to create mayhem and it is up to individuals and property owners to take evasive action' (Moran 2007).

⁶ Controversy and debate surrounding the building of a desalination plant at Wonthaggi in South Gippsland have centred on environmental and political issues. Ironically, with the actual construction of the plant, industrial dispute is coming to the fore.

⁷ When the Victorian Legislative Assembly sat at the Monash University Churchill campus on 15 October 2008, small protest bands (anti-desalination plant, anti-abortion and ambulance drivers) were accommodated in a

websites, knowledge gained from similar protest activity and other undisclosed sources in order to establish intelligence that informed risk assessment about the publicised upcoming event (Taylor interview 2009). Just as protesters are wary of their negotiations with police, police planning is certainly not confined to what protest organisers present as the likely unfolding of events. The experiences of recent protest activities influence police planning: the legacy of the World Economic Forum in 2000, and more recently the G20 protests in November 2006 create images of balaclava-clad rioters in Melbourne's central business district (CBD). The ongoing planning for Hazelwood resulted in one police officer dedicated to planning for seven weeks prior to the event. Police from various geographical jurisdictions (Metropolitan Police Service, Kent Police, New Zealand Police, Victoria Police) all acknowledge the importance and volume of 'open source' information that, after analysis, constitutes intelligence (see list of interviews at the end of this article). All mention other sources of information, but are reticent to expand on how such information is obtained and utilised.

The location and timing of the Hazelwood protest was known for some months in advance — unlike Blackheath in south-east London in August 2009, where the location of the Camp for Climate Change had been kept secret until the actual morning of the camp's establishment. Hazelwood would not attract a protest crowd unless people had time to prepare and organise transport — unlike Blackheath, when sudden 'swoops' of protesters descended on the site when activated by mobile phones and texts.⁸ The fact that the Hazelwood location was known to all meant that police and protesters could liaise with some specificity prior to the event.

Dialogue

Police, who claim 'complete impartiality' in handling protest events, need both to avoid making value judgments about acceptable or unacceptable protests and to consider the actions of individual protesters, rather than the gathering as a whole. Victoria Police express this impartiality in terms of 'recognising the right of free speech and the right of community safety' (Taylor interview 2009). Police believe that they are 'very forward in making contact' with protest groups in attempts to 'break down barriers'. Dialogue is seen as a means of making contact, meeting and swapping details in 'a friendly veneer' (Taylor interview 2009). Superintendent Neville Taylor, Gippsland region, enunciates the importance of dialogue between police and protest organisers:

We encourage some really open and candid dialogue with the organisers of the protest so that we can facilitate protest in a way that we can maintain community safety. Part of that is the responsibility to prevent breaches of the law: that is, damage, injury to people, trespassing — three key areas (Taylor interview 2009).

relatively limited space, but one where they could 'see what was going on, be vocal' yet controlled by low-key police presence. The morning proceeded smoothly. Sergeant Peter Allen, Churchill Police Station (interview 2008), stressed the impartiality of the police role: 'Protesters understand that we are there to only do a job, we're not saying that we are against them or on their side'. The campus's Pro Vice-Chancellor, acknowledging parliamentary security and police, commented that 'the protesters were able to voice their views without disrupting proceedings' (email to Gippsland staff, 21 October 2008).

⁸ Although the week-long Blackheath camp threatened neither mass action against the nation's power infrastructure nor interference with business activity or local traffic movement, the camp was preparing participants for a 'massive invasion' of direct action against E.ON's Ratcliffe-on-Soar plant in Nottinghamshire in mid-October 2009.

Although highly desirable, this approach is restricted if either protest groups have hidden, non-peaceful objectives or if police do not adhere to the mantra of facilitating protest. Diverse agendas, ingrained suspicions and stereotyping can hinder the liaison.

Protest spokespeople viewed the first meeting between police (a constable from Morwell, a police community liaison person and a detective) as the typical 'happy, shiny police liaison cop who does the friendly, friendly bit' (Morris interview 13 August 2009). Both sides were somewhat apprehensive of the other. A protest organiser claimed that the police, especially after the violence at Melbourne's G20 in November 2006, followed a standard line: 'How about in the interests of safety you point out the people who you think are going to be troublesome, we can arrest them first or deal with them pre-emptively or corral them' (Morris interview 13 August 2009). The police requested that protest organisers identify the 'ratbags' or professional protesters so that police could 'contain, snatch and grab them, hold them till the end of the day'. The protest liaison team did not comply with this request. Other signs of tension were evident in the discussions. Protest organisers made the point: 'Look, we've got legal observers, bunch of lawyers on the day, we'll actually be watching what goes on for both us and you. So please be aware that every activist has a camera, every action is now on film' (Morris interview 13 August 2009). This electronic accountability is a two-way process. Police responded to this warning by stating that 'we have cameras too, so everything you people do is going to come back to you' (Morris interview 13 August 2009). The ubiquitous mobile telephone camera means that little of protest in public view is not recorded.

During the first meeting, police recommended that the protesters seek a permit from Morwell Council ('[y]ou'd be safer with a permit'), which was unlikely to be granted because people were walking on the streets. The protesters' response was in the negative as 'we are running on a public road, police had already been given public notice for three weeks' of the day and location of the protest (Morris interview 13 August 2009). Details of the protest and activist training sessions were openly available on the 'Switch off Hazelwood' website. Although the power station's car park was public land, protesters eventually were allowed to assemble there, otherwise police would have faced the more troublesome scenario of protesters assembling on the road. When pressed for information, the protest liaison team responded that the police 'job is to keep us safe' (Morris interview 13 August 2009).

Protest co-organiser and legal adviser, Louise Morris, described the police-protester negotiations as a 'game', as neither protesters nor police would divulge their projected numbers for the protest Sunday (interview 13 August 2009). Morris admitted that it was the intention of some protesters to climb the gates to enter the private property of the power station and, hence, face the likelihood of arrest. The previous year, six protesters had entered the Hazelwood plant — two of whom chained themselves to a conveyor belt 20 metres from the ground. The pair were subsequently arrested and remanded in custody (Bennett 2008).

Morris described the negotiations as akin to 'a smoke and mirrors chess game ... we've spoken to you, you've spoken to us, we've played friendly. On the day, how much of what you've committed to will you stand by? The same applies to our side' (interview 13 August 2009). The police are described as the 'meat in the sandwich'; the environmentalists' conflict is not with the police, but rather governments and coal-fuelled power conglomerates. The climate change campaign must 'keep in mind' that a day like 13 September at Hazelwood for police 'is a day at work for them', and respect that fact (Morris interview 13 August 2009). Organiser Morris described the intended protest as 'a mish-mash of potentials', uncertainties and hazards. Police like to deal in certainties: they like order and stability. Civil disobedience protests and protest rallies (eg 2007 Walk against

Warming; 2009 Climate Summit in Canberra) are often peaceful and dignified, but protest organisers' control of community and global protest is more tenuous and unstructured — Hazelwood presented an unknown challenge for police and protesters.

Police and protest organisers undertake liaison from diverse perspectives and objectives. Police are employees of the State who belong to a semi-military bureaucratic structure and whose mandate includes enforcing the law and keeping the peace. Protest liaison teams see themselves acting as messengers who exercise neither authority nor power in the collective and whose role is purely liaison. As Morris emphasises, 'we are not decision-makers, we are actually conduits' (interview 13 August 2009). She argues that the police would much prefer the protest liaison team to accept leadership, responsibility and, ultimately, liability for protest actions:

'If push comes to shove, and things start: you (protest organisers) make the decision and you are accountable and responsible ... you are in a chain of command, the hierarchy, therefore responsible ... for XYZ jumping the fence, locking on, not obeying an exclusion order'.

The protester liaison team's rebuttal of this police approach is straightforward and blunt: 'Look, we are just a point of communication, try and keep things clear. We are not decision-makers. We are telling others what you are saying, but we are not telling them "yes/no", absolutely, their own choice' (Morris interview 13 August 2009). This lack of protester responsibility for decisions, and hence lack of accountability, can be frustrating for police with their disciplined chain of command. Police understand that they are talking to spokespeople lacking executive authority and who defer decisions to the collective.⁹ Although police forces are hierarchical and rank structured, they cannot expect other groups to be similarly organised and functional.

The pre-event liaison is depicted as the groundwork for establishing the contacts for actual negotiation on the day of action. Police and protest organisers have a long-term interest in developing rapport, as further climate change protest actions are expected and planned in the Latrobe Valley with its large coal-fuelled power plants. According to police, the dialogue achieved before, during and after Hazelwood would be reactivated 'with the organisers of the protest, if it comes again' (Taylor interview 2009). Similarly, E.ON energy is expecting further targeting of its power stations in the UK and Europe (Millett interview 2009).

Day of action

Plans for the Hazelwood protest included the deployment of police from outside the Latrobe Valley; this was 'nothing unusual' as Victoria Police, a single State entity, has mobile resources that are utilised for certain events, whether they be coastal holiday population explosions in summer or some form of environmental protest. The fact that this protest was public news for some weeks beforehand meant that police planning could follow risk assessment procedures; unannounced and spontaneous protests present greater and more immediate challenges for police in relation to personnel, numbers, location and timing.

The power station company increased its security measures for the Hazelwood protest. Its public affairs manager directly indicated that it was 'catering for all contingencies including

⁹ The principal Operation Oasis planner for the Kingsnorth Climate Camp, Chief Inspector Moody reflected: 'I could never see a scenario when you'd get a written memorandum of understanding with a Climate Camp' (Moody interview 2009). Kent Police were unable to negotiate a contract ('memorandum of understanding') with protest organisers about the parameters of the camp and the 'Day of Action'.

people who want to try and break the law' (quoted in Charalambous 2009c). The company erected a security fence around the perimeter of the power plant, aimed specifically at preventing any protester intrusion. This created a 'no man's land' around the plant. Inspector Chris Major, Latrobe police, accepted the right of people to protest, but insisted that 'they respect the rights of Hazelwood Power Station and do it in a manner that doesn't endanger themselves or other persons' (Charalambous 2009c).

Media reports estimated 250 police monitored the 400–500 protesters on 13 September. The police presence included foot police, police on trail bikes and jet-ski, mounted police and members from air and water squads, supported by police helicopters. Criticism of the policing has focused on the police numbers and the extensive surveillance. Friends of Earth legal adviser, Louise Morris, described the police numbers as an 'over response', 'over the top', 'just ridiculous' (quoted in Charalambous 2009b). Even the conservative *Latrobe Valley Express* highlighted the issue of police numbers. Police justified the large police presence as resulting from liaison with protest leaders prior to the event. Superintendent Taylor claimed that police had to be prepared for anything; another reflection of the necessity of preparing for the worst-case scenario. The police expressed disappointment at the large number of arrests (22) and implied that some protesters had deliberately gone to Hazelwood to be arrested. However, police justified their actions and numbers by claiming that they had achieved the policing objectives of 'making sure that we had a safe day for everybody, safe for protesters, safe for employees, and safe for the community, who wanted to go about their business' (police spokesman on ABC News 2009). The *Herald Sun* coverage on 14 September 2009 headlined ugly clashes between police and protesters at the coal power plant (Wright 2009). However, despite some pushing and shoving at the fence line, there were no major injuries.

The exclusionary fence and the large police presence failed to deter 22 protesters who individually, intermittently and successfully assailed the temporary fence on the Sunday before being arrested for trespass by the police. One man was charged with assaulting a police officer. The first protester to scale the fence was immediately grabbed by police, then charged, driven 500 metres away and released (McHugh 2009; Ker 2009b). The first person processed by the courts received a diversionary order and A\$100 fine. Police, determined to prevent interruptions to Victorian power supplies, concluded that the operation had been successful because the more radical activists were unable to disrupt the power plant operations (Taylor interview 2009).

The protest liaison team claimed that police, on the Sunday morning, reneged on their agreements with them. They claimed that senior police had informed them that 'all bets are off, all things you have previously negotiated are no longer on the table' (Morris interview 14 October 2009). According to Morris, a Morwell policewoman, who had been involved in the liaison meetings from the beginning, allegedly was visibly upset by the hierarchy's change of direction on the Sunday morning (interview 14 October 2009). The protesters' media van and PA system were refused entry to the plant. The protest liaison team berated this change of the rules by indicating the presence of 500 people at Hazelwood and by stressing the three months of working through organised arrangements with police in preparation for the event. The PA system, according to protest organisers, was needed for self-policing of the protest, 'to direct and keep things safe and orderly' (Morris interview 14 October 2009). Concessions were made in terms of the PA system and the entry of one car to act as a media van, but a number of people had to trek eight kilometres to the front of the Hazelwood plant. According to Morris, the police changing of the rules effects 'the destabilization of us, we are put on the back foot a bit' (interview 14 October 2009).

Both climate change protest organisers and Victoria Police saw some worth in post-event liaison. According to Superintendent Taylor, as climate change continues to be an ongoing issue vital to the Latrobe Valley, post-event dialogue was important in order:

to review the way [the day of protest] unfolded, important to acknowledge where there was some mutual respect, understanding or some tolerance or the opportunity to give explanation if there has been some action undertaken by either an issue-motivated group or police that was not in line with an understanding that was [previously] given (Taylor interview 2009).

NSW Police had been criticised by some for heavy-handed actions, presence of dogs and the futile exhibition and movement of the water cannon during the 2008 Newcastle Climate Camp. Four NSW police officers, planning for the upcoming October 2009 protest in the Illawarra, had observed the Hazelwood protest and the large deployment of resources. A month after the Hazelwood protest, more than 500 people marched to the front gates of the Metropolitan Collieries at Helensburgh in the Illawarra region of New South Wales, where 50 Climate Camp protesters occupied the entrance road to the mine (Cox 2009; Camp for Climate Action Australia 2009). Detective Chief Inspector Sharkey expressed the line of accommodating protesters but with the usual rider: 'we're about facilitating peaceful protest – we haven't got a problem with that. But it is an offence to trespass and police will take appropriate action' (Hector 2009). Although protest numbers were similar to Hazelwood, the NSW Police presence was less and low-key with ongoing liaison. Nevertheless, general police monitored the camp, backed by: a dog squad; mounted, highway and water police; and officers from the Public Order and Riot Squad (Cox 2009). Although 13 people were arrested on the Sunday, the protest's media advisers applauded the 'hands-off and up-front approach' of police and the adherence to the negotiated agreements, when compared to police actions at Hazelwood (Morris interview 14 October 2009).

If police and company preparations are linked to fears of terrorist actions at such plants during peaks of protest, one must ask how these institutions are protected when the public police are not available on mass during the rest of the year. At Kingsnorth in September 2008, a month after the Climate Camp, an intruder gained entry into the power station, infiltrating the inner perimeter. Are companies that generate power more vulnerable to sabotage on days when protest is not occurring? Exactly a month after the Hazelwood protest, the Victorian Government introduced legislation into State Parliament, as amendments to the *Electricity Industry Act 2000* (Vic), which significantly increased penalties for trespassing, tampering or interfering with critical electricity infrastructure, including up to two years' jail and fines in excess of A\$28,000. State Energy Minister Peter Bachelor argued that the new penalties 'better reflect the serious consequences and the dangers that can arise from unauthorised entry and damage to power stations, if protest action escalates into illegal activity' (McMahon 2009). So much depends on the 'if'; initially police determine, and subsequently the courts decide, what constitutes 'illegal activity', but the government-enacted penalties are now substantially harsher.

Conclusion

Police at both Hazelwood (Victoria) and Kingsnorth (Kent), protecting privately-owned State infrastructure, prepared for the worst-case scenario and partially developed their strategies based on protest pre-event rhetoric, which included threats to energy supplies. HMIC's Denis O'Connor, a respected member of the British policing fraternity, has challenged the conventional response of instigating the policing of protest from the conventional wisdom of worst-case scenario and criticised planning that focuses too much on confronting violence

rather than facilitating peaceful protest (HMIC 2009a:4,6, 2009b:28, 65). The HMIC *Adapting to Protest* reports exhorted police tolerance of peaceful gatherings, 'even if these protests cause a level of obstruction or disruption' (HMIC 2009a:9). The final report is significant for policing in the UK, but it also has reverberations for policing protest through much of the Western world (Waddington PAJ 2009:14).¹⁰ Although police should prepare from a presumption in support of facilitating peaceful climate camp protests, they also need contingency plans to protect and secure energy infrastructure.

Toleration and accommodation of protest rely heavily on effective communication and liaison between police and protesters. Nevertheless, the controlling of protest will always be unpredictable, challenging and problematic for police. Civil disobedience has a long, if turbulent, tradition of promoting reform. Police in both the UK and Australia acknowledge the right of people to engage in peaceful protest, but how far does that extend to disruption, even to civil disobedience?

If the climate change issue is not addressed directly by governments, it is probably safe to assume that there will be an escalation in protest activities. If protest cells and affinity groups become more insular and non-communicative, police will experience greater difficulty in learning in advance of protest intentions and tactics, and thus police planning and actions will become more hazardous. The environmental protest against the Hazelwood power station highlights the potential for future conflict between those prepared to engage in civil disobedience against perceived gross polluters and those entrusted to protect life and property. As significantly, it highlights the potential for refining dialogue and negotiation processes, and developing some respect between police and protesters. Police need to gain a better understanding of the intent of protesters (HMIC 2009b). Communication between police and protesters needs to be ongoing and consistent. Protesters need to be informed of likely police actions so that no surprises are encountered. Police seek and utilise intelligence of protest individuals and groups, but caution is needed to respect protest rights.

The best interests of both police and protest organisers is to foster the relationship, to develop the liaison connections during pre-event and actual event periods, and ultimately to learn from post-event review. The process is continuing and challenging for both police and protesters. As one climate camp liaison negotiator comments, 'we are not going to be holding hands ... but there is some core understanding of levels of honesty' if protesters show that they are not 'dangerous' (Morris interview 14 October 2009). Liaison is a tool to a 'safer, easier affair' (Morris interview 14 October 2009).

Although negotiated arrangements may be initially fragile, although some mistrust is always likely in encounters, although organisational structures and ideological outlooks are different and although police have the power to change plans to accommodate the evolving scenario, dialogue remains in the best self-interest of both police and climate camp protesters to assist peaceful protest. Neither group wants injured members; neither wants violence; neither wants to face litigation; and neither wants extensive media coverage of violent and unlawful actions. As the protests are global, international and regional, police realise that dealing with climate change protesters is a long-term issue, one that challenges capacity for both successful protection of coal-fuelled plants and successful facilitation of peaceful protest.

¹⁰ Blackheath in August 2009, on common land, and involving neither direct action nor infrastructure threats, was policed according to the new HMIC edict of Denis O'Connor as outlined in the interim *Adapting to Protest* report (HMIC 2009a); that is, police tactics were initially formed upon the basis of the facilitation of lawful and peaceful protest.

Legislation

Bill of Rights Act 1990 (NZ)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Electricity Industry Act 2000 (Vic)

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